

REMARKS

Claims 1-10, 13, 14, 19, 20, 25, 26 and 31 are all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected claim 1 under 35 U.S.C. § 112, first and second paragraphs.

Applicants have amended claim 1 in a manner to overcome this rejection. In particular,

Applicants have deleted the phrase which recites that the baffle has a "unitary structure".

Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

II. Claim Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1-3, 6-9, 13 and 19 under 35 U.S.C. § 102(b) as being anticipated by Funahashi et al (EP 0 800 330).

Claim 1, as amended, recites the feature of a baffle on which a speaker unit and a passive radiator unit are directly mounted, the baffle forming a constituent part of a speaker box; and a back plate, wherein the back plate forms the speaker box in combination with the baffle.

Applicants respectfully submit that Funahashi fails to disclose or suggest at least these features of claim 1.

Funahashi discloses a speaker system having a passive radiator 401, a speaker unit 402, a baffle 403, a sub-baffle 406 and a cabinet 407 (see Fig. 1). Applicants note that the Examiner takes the position that the sub-baffle of Funahashi corresponds to the "back plate" as recited in claim 1, and that the baffle 403 of Funahashi corresponds to the "baffle" as recited in claim 1 (see Office Action at page 5).

As clearly shown in Fig. 1 of Funahashi, the sub-baffle 406 (which the Examiner alleges corresponds to the back plate as recited in claim 1) does not form a speaker box in combination with the baffle 403. Further, in Funahashi, the speaker unit 402 and the passive radiator unit 401 are not directly mounted on the baffle 403. In particular, as shown in Fig. 1 of Funahashi, the speaker unit 401 is mounted on the sub-baffle 406, not the baffle 403.

Accordingly, Applicants submit that Funahashi fails to disclose or suggest the features of a baffle on which a speaker unit and a passive radiator unit are directly mounted, the baffle forming a constituent part of a speaker box; and a back plate, wherein the back plate forms the speaker box in combination with the baffle, as recited in claim 1.

In view of the foregoing, Applicants submit that claim 1 is patentable over Funahashi, an indication of which is respectfully requested.

In addition, claim 1 recites that the speaker unit, the passive radiator unit, and the baffle form a first closed chamber. Thus, the Examiner is alleging that the speaker unit 402, the passive radiator unit 401, and the baffle 403 of Funahashi form a first closed chamber. Applicants respectfully disagree.

As shown in Fig. 1 of Funahashi, the speaker unit 402, the passive radiator unit 401, and the baffle 403 do not form a first closed chamber. Instead, these three elements clearly form an open chamber which can only be closed by attaching the sub-baffle 406 (which the Examiner has alleged corresponds to the back plate as recited in claim 1).

Accordingly, Applicants respectfully submit that Funahashi fails to disclose or suggest that the speaker unit, the passive radiator unit, and the baffle form a first closed chamber, as recited in claim 1. If the Examiner maintains the position that Funahashi discloses such a

feature, Applicants kindly request that the Examiner specifically explain how the speaker unit 402, the passive radiator 401 and the baffle 403 of Funahashi form a closed chamber.

Further, claim 1 recites that the speaker unit, the baffle, and the back plate form a second closed chamber. Thus, the Examiner is alleging that the speaker unit 402, the baffle 403 and the sub-baffle 406 form a second closed chamber. Again, Applicants respectfully disagree.

As shown in Fig. 1 of Funahashi, the speaker unit 402, the baffle 403 and the sub-baffle 406 do not form a second closed chamber. Instead, these three elements clearly form an open chamber which can only be closed by attaching the passive radiator 401.

Accordingly, Applicants respectfully submit that Funahashi fails to disclose or suggest that the speaker unit, the baffle, and the back plate form a second closed chamber, as recited in claim 1. If the Examiner maintains the position that Funahashi discloses such a feature, Applicants kindly request that the Examiner specifically explain how the speaker unit 402, the baffle 403 and the back plate 406 of Funahashi form a closed chamber.

In view of the foregoing, Applicants submit that claim 1 is patentable over Funahashi, an indication of which is respectfully requested. Claims 2, 3, 6-9, 13 and 19 depend from claim 1 and are therefore considered patentable at least by virtue of their dependency.

III. Claim Rejections under 35 U.S.C. § 103(a)

A. The Examiner has rejected claims 4, 5, 10, 14, 20, 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Funahashi et al. in view of Perkins et al. (U.S. 6,259,798).

Claims 4, 5, 10, 14, 20, 25 and 26 depend from claim 1. Applicants submit that Perkins fails to cure the deficiencies of Funahashi as described above with respect to claim 1.

Accordingly, Applicants submit that claims 4, 5, 10, 14, 20, 25 and 26 are patentable at least by virtue of their dependency.

B. The Examiner has rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Funahashi et al. in view of Beppu (U.S. 5,621,804).

Claim 2 depends from claim 1. Applicants submit that Beppu fails to cure the deficiencies of Funahashi as described above with respect to claim 1. Accordingly, Applicants submit that claim 2 is patentable at least by virtue of its dependency.

C. The Examiner has rejected claims 13 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Funahashi et al. in view of Jeter, Jr. (U.S. 5,929,393).

Claim 13 depends from claim 1. Applicants submit that Jeter, Jr. fails to cure the deficiencies of Funahashi as described above with respect to claim 1. Accordingly, Applicants submit that claim 13 is patentable at least by virtue of its dependency.

In addition, claim 13 recites that a plate portion of the speaker unit is exposed to an outside of the speaker apparatus via an opening in the baffle. The Examiner recognizes that Funahashi fails to disclose or suggest such a feature. In an attempt to cure this deficiency, the Examiner applies Jeter, Jr. and alleges that it would have been obvious to combine Funahashi and Jeter, Jr. so as to arrive at the claimed invention.

In particular, the Examiner alleges that it would have been obvious to modify the speaker apparatus of Funahashi, based on the disclosure of Jeter, Jr., such that the speaker unit 402 of

Funahashi is exposed to an outside of the speaker apparatus in order to provide superior sound distribution. Applicants respectfully disagree.

Jeter, Jr. discloses a speaker cabinet 1 which houses a single speaker 9 which is exposed to an outside of the speaker cabinet 1 (see Fig. 2). In Jeter, Jr., the speaker 9 is responsible for outputting sound to the outside of the speaker cabinet. However, while Jeter, Jr. discloses a speaker 9 that is exposed to the outside of the speaker cabinet, Applicants respectfully submit that Jeter, Jr. does not disclose a plate portion of a speaker unit which is exposed to the outside of a speaker apparatus, as recited in claim 13.

Further, in contrast to the speaker 9 of Jeter, Jr., Applicants note that a sound output from the back of the speaker unit 402 of Funahashi is used to drive the passive radiator unit 401 so as to obtain a sound output from the passive radiator unit 401 (see col. 4, lines 20-24 and col. 5, lines 33-38).

Accordingly, in Funahashi, as the sound output from the speaker unit 402 is used to drive the passive radiator unit 401, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to expose the speaker unit 402 of Funahashi to the outside of the speaker apparatus, as taught by Jeter, Jr.

Indeed, Applicants submit that modifying Funahashi in such a manner would actually impair or render inoperable Funahashi's speaker apparatus. That is, if the speaker unit 402 was exposed to the outside of a speaker apparatus, as taught by Jeter, Jr., the speaker unit 402 would not be able to properly drive the passive radiator unit 401, thereby impairing or rendering inoperable Funahashi's device.

Accordingly, because the modification to Funahashi proposed by the Examiner would impair or render inoperable Funahashi's device for its intended purpose, Applicants submit that Funahashi clearly teaches away from the modification proposed by the Examiner. As stated in MPEP § 2143.01, if a proposed modification would render the prior art invention being modified inoperable for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

In view of the foregoing, Applicants submit that claim 13 is patentable over the cited prior art, an indication of which is respectfully requested.

Regarding claim 31, Applicants note that this claim is patentable for similar reasons as discussed above regarding claims 1 and 13.

For example, claim 31 recites that a speaker unit, a passive radiator unit, and a baffle form a first closed chamber, and that the speaker unit, the baffle, and a back plate form a second closed chamber. As discussed above with respect to claim 1, Funahashi fails to disclose or suggest such features. Further, Applicants submit that Jeter, Jr. fails to cure these deficiencies of Funahashi.

Further, claim 31 recites that the baffle is provided with an opening for exposing a plate portion of the speaker unit to an outside of the speaker apparatus. For similar reasons as discussed above with respect to claim 13, Applicants submit that the combination of Funahashi and Jeter, Jr. fails to disclose, suggest or otherwise render obvious such a feature.

In particular, as noted above, Jeter, Jr. does not disclose a plate portion of a speaker unit which is exposed to the outside of a speaker apparatus, and further, that modifying Funahashi so

as to expose the speaker unit 402 to an outside of the speaker apparatus, as taught by Jeter, Jr., would impair or render inoperable Funahashi's device.

In view of the foregoing, Applicants submit that claim 31 is patentable over the cited prior art, an indication of which is respectfully requested.

IV. Double Patenting Rejection

Claim 1 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,031,919 (hereafter "the '919 patent").

As discussed above, claim 1 has been amended to recite the feature of a baffle on which a speaker unit and a passive radiator unit are directly mounted, the baffle forming a constituent part of a speaker box; and a back plate, wherein the back plate forms the speaker box in combination with the baffle. Applicants submit that claim 3 of the '919 patent does not recite such features. Further, Applicants submit that claim 3 of the '919 patent also does not render obvious such features.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the double patenting rejection of claim 1.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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